

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gabriele Multhoff

Serial No.: 10/581,918

Group No.: 1643

Filed: April 23, 2007

Examiner: Sang

Entitled:

**COMPOSITIONS AND METHODS FOR THE
TREATMENT AND DIAGNOSIS OF NEOPLASTIC AND
INFECTIOUS DISEASES**

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE
PATENTING REJECTION**

EFS WEB FILED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Sang:

I, Tanya A. Arenson, represent that I am a registered patent agent of record for this application. The Assignee, Multimmune GmbH is an owner of one-hundred percent (100%) interest in the instant application. The Assignment from the inventors was recorded in the United States Patent and Trademark Office at **Reel 019298, Frame 0552**. The Assignment recordation date was 04/23/2007.

Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of: issued U.S. Patent No. 7,700,737 and U.S. Patent Application Number 12/707,502, filed February 17, 2010. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to U.S. Patent No. 7,700,737 and any patents issuing from U.S. Patent Application Number 12/707,502, this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of

the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 7,700,737 and any patents issuing from U.S. Patent Application Number 12/707,502 should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory terms.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of the assignees.

Dated: December 22, 2010

/Tanya A. Arenson/
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